

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Stephanie Mleczkowski	Team: Team # 3	CCRB Case #: 201407286	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 07/17/2014 6:25 PM	Location of Incident: Hancock Street and Franklin Avenue	Precinct: 79	18 Mo. SOL 1/17/2016	EO SOL 1/17/2016	
Date/Time CV Reported Fri, 07/18/2014 3:09 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Fri, 07/18/2014 3:09 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Alvin Guthrie	16947	955965	079 PCT
2. SGT Gregory Rivera	04653	942437	079 PCT
3. Officers			079 PCT

Officer(s)	Allegation	Investigator Recommendation
A. Officers	Abuse: Officers stopped § 87(2)(b)	
B.SGT Gregory Rivera	Abuse: Sgt. Gregory Rivera supervised the strip-search of § 87(2)(b)	
C.POM Alvin Guthrie	Abuse: PO Alvin Guthrie frisked § 87(2)(b)	

Case Summary

On July 17, 2014 at 6:25 p.m., on the north west corner of Hancock Street and Franklin Avenue in Brooklyn, PO Alvin Guthrie and Sgt. Gregory Rivera of the 79th Precinct observed § 87(2)(b) litter. Both officers stopped § 87(2)(b) (**Allegation A**) and allegedly asked him to remove his shirt (**Allegation B**). PO Guthrie performed a warrant check for § 87(2)(b) which revealed that he had an active warrant. The officers subsequently handcuffed § 87(2)(b) and PO Guthrie frisked § 87(2)(b) (**Allegation C**). § 87(2)(b) was then transported to the 79th Precinct stationhouse.

Mediation, Civil and Criminal Histories

Because of the strip search allegation, this case was deemed ineligible for mediation.

On February 27, 2015, a request was submitted to the NYC Comptroller's Office in order to determine if a notice of claim has been filed in regards to this incident (encl. I13-I16). This information will be added to the case file upon receipt.

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian and Officer CCRB Histories

- This is the first CCRB complaint filed by § 87(2)(b) (encl. A4).
 - This is the first CCRB complaint involving § 87(2)(b) (encl. A3).
 - Sgt. Rivera has been a member of the NYPD for eight years and there are no substantiated allegations against him. § 87(2)(g)
- PO Guthrie has been a member of the NYPD for one year and this is the first CCRB complaint that has been filed against him (encl. A1-A2).

Potential Issues

The undersigned investigator exhausted contact attempts to the victim, § 87(2)(b) by telephone and United States Postal Mail. None of the letters sent to § 87(2)(b) were returned to the CCRB and as of the date of this report, § 87(2)(b) has not contacted the CCRB in order to provide a sworn statement.

NYPD Documentation

79th Precinct, July 17, 2014, Tour 3 Roll Call:

The aforementioned documentation notes that Sgt. Rivera was assigned as the Impact Sergeant and that PO Guthrie was assigned as the Sergeant's Operator (encl. F1-F16).

Event Summary D14071719657

The aforementioned documentation notes that on July 17, 2014 at 6:25 p.m., an unidentified man was stopped by unspecified officers of the 79th Precinct (encl. F17-F20). The "event type" is listed as the investigation of a possible crime and the person in question was suspicious. It is noted that at 6:33 p.m., this man was arrested.

79th Precinct, July 17, 2014, Tour 3 Command Log Entry:

The aforementioned documentation notes that § 87(2)(b)'s arrest was processed at the 79th Precinct at 6:40 p.m. It is noted that § 87(2)(b) was charged with § 87(2)(b) and was returned to the precinct because of an active warrant. PO Guthrie is listed as the arresting officer and Sgt. Rivera was the supervisor approving the arrest (encl. F21).

§ 87(2)(b)'s Arrest Report:

The aforementioned documentation notes that on July 17, 2014 at 6:33 p.m., § 87(2)(b) was arrested by PO Guthrie for § 87(2)(b). The report notes that § 87(2)(b) was seen throwing a plastic bag onto the sidewalk and upon further investigation, it was discovered that he had an active warrant under docket number § 87(2)(b) (encl. D5-D7).

Finding and Recommendations

Identification of Subject Officer

PO Guthrie and Sgt. Rivera admitted to interacting with § 87(2)(b).

Allegation A- Abuse of Authority: Officers stopped § 87(2)(b)

§ 87(2)(b) stated that PO Guthrie and Sgt. Rivera stopped § 87(2)(b). The undersigned investigator exhausted contact attempts by telephone and the United States Postal Service to § 87(2)(b) however § 87(2)(b) could not be reached to provide a statement. Sgt. Rivera and PO Guthrie acknowledged that § 87(2)(b) was stopped during this incident because they observed that he littered by dropping either a plastic bag or a piece of plastic on the ground. Sgt. Rivera and PO Guthrie stated that following PO Guthrie's warrant check for § 87(2)(b) he discovered that § 87(2)(b) in fact had an active warrant.

According to N.Y. ADC. Law 16-118.1, no person is permitted to litter in or upon any street or public place (encl. 1A-1D).

§ 87(2)(g)
[REDACTED]

§ 87(2)(g)
[REDACTED]

Allegation B- Abuse of Authority: Sgt. Gregory Rivera supervised the strip-search of

§ 87(2)(b) While § 87(2)(b) did not hear officers ask § 87(2)(b) to remove his shirt, she believed that officers made this request since § 87(2)(b) removed his shirt while speaking with the officers. The

undersigned investigator exhausted contact attempts by telephone and the United States Postal Service to § 87(2)(b) however § 87(2)(b) could not be reached to provide a statement.

PO Guthrie and Sgt. Rivera stated that officers did not direct § 87(2)(b) to remove his shirt during this incident. PO Guthrie stated that § 87(2)(b) removed his shirt on his own free will and changed into a white tank top. Sgt. Rivera stated that he could not recall if § 87(2)(b) removed his shirt during this incident.

§ 87(2)(g)
[REDACTED]

§ 87(2)(g)
[REDACTED]

Allegation C- Abuse of Authority: PO Alvin Guthrie frisked § 87(2)(b)

§ 87(2)(b) alleged that once § 87(2)(b) was handcuffed, an officer whom she could not recall patted down § 87(2)(b)'s body. § 87(2)(b) could not recall with which portions of § 87(2)(b)'s body this officer made contact. The undersigned investigator exhausted contact attempts by telephone and the United States Postal Service to § 87(2)(b) however § 87(2)(b) could not be reached to provide a statement. PO Guthrie admitted that he patted § 87(2)(b)'s waistband, chest, back and legs prior to handcuffing him. Sgt. Rivera stated that PO Guthrie handcuffed and then frisked § 87(2)(b). Sgt. Rivera could not recall the portions of § 87(2)(b)'s body with which PO Guthrie made contact.

According to Patrol Guide section 212-11, an officer may frisk an individual for weapons when he reasonably suspects he or others are in danger of physical injury (encl. 1E-1H).

§ 87(2)(g)
[REDACTED]

§ 87(2)(g)
[REDACTED]

Team: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date